

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

VINCENT BAKER,) CIV-S-05-0589 GEB KJM
)
Plaintiff,) ORDER
)
v.)
)
STATE OF CALIFORNIA, et al.,)
)
Defendant.)
_____)

Defendants move to dismiss Plaintiff's claims under Federal Rule of Civil Procedure 12(b)(6). However, Defendants have failed to file a complete copy of Plaintiff's complaint; the copy of Plaintiff's complaint filed with Defendants' notice of removal omits a page of the complaint, and thereby violates 28 U.S.C. § 1446(a) and Local Rule 5-133(a). Therefore, Defendants' motion to dismiss is denied.

IT IS SO ORDERED.

Dated: June 13, 2005

/s/ Garland E. Burrell, Jr.
GARLAND E. BURRELL, JR.
United States District Judge